



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 02/27/01  
AGENDA ITEM 3  
WORK SESSION ITEM           

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Appeal of Planning Commission Denial of Administrative Use Permit and Parking Exceptions Application No. 00-150-36 – Tonja Williamson (Appellant), Willie and Barbara Merritt (Owners) – Request to Establish a Childcare Center for up to 24 Children and Exceptions to Off-Street Parking Regulations - The Property is Located at 694 Corrine Street

**RECOMMENDATION:**

It is recommended that the City Council deny the appeal and uphold the Planning Commission.

**DISCUSSION:**

On September 28, 2000, the appellant, Ms. Williamson, filed an application to convert a residence to a "childcare center" for up to 24 children at 694 Corrine Street. The proposed operating hours are between 7 a.m. and 5:30 p.m., with additional hours for consulting with parents. The State of California allows a resident of a single-family homes to operate a State-licensed daycare business for up to 14 children, and Hayward's Zoning Ordinance recognizes this privilege. In effect, the appellant is requesting the right to convert a single-family residence into a childcare center for 10 more children than the 14 children has the right to care for. Ms. Williamson is currently licensed with the State of California to care for eight children. The garage would be converted to a laundry/bathroom/play area. She does not plan to live on the premises, and State of California regulations for childcare centers do not require that anyone live on the premises. To date in Hayward, these larger daycare centers are typically located within facilities such as churches where there is ample space for classrooms, outdoor play areas, and adequate on-site parking.

During the referral process, several individuals as well as the Fairway Park Neighborhood Association urged denial of the application based on incompatibility with surrounding residential uses, increased traffic and traffic conflicts, introducing strangers into the neighborhood, lack of adequate parking, increased noise, and a perceived reduction in property values. There were no responses in support of the childcare center. (Several of the letters submitted at that time are attached as Exhibit H).

Following the initial review period, the Planning Director denied the application. The bases of the Planning Director's action are reflected in the attached findings for denial, with consideration given to character of surrounding single-family residential neighborhood, the proximity from the play area to neighboring dwellings, potential traffic conflicts at the intersection (parents making U-turns at the intersection and vehicles backing into the street), and potential parking conflicts due to lack of adequate on-site parking and a drop-off area. The operator appealed the Planning Director's decision, maintaining that she has many years of experience in the child care business, that traffic is not an issue since parents drop off and pick up their children at various times of the day, and that the facility would serve local neighborhood children who arrive by foot. (See appellant's letter, Exhibit C).

During the public hearing before the Planning Commission, 10 neighborhood residents objected to the proposed childcare center, and a petition signed by 93 individuals opposing the application was submitted. One member of the public, who operates a daycare business on Treeview Avenue, spoke in support of the project.

Many of those who objected to the use indicated that traffic has been an issue at the Corrine/Chicoine intersection and that additional traffic should not be added to the intersection. They stated that vehicles speed in this vicinity, it is a blind intersection, and a childcare center would encourage U-turns at the intersection. Other than for single-family dwellings used for single-family purposes, the Off-Street Parking Regulations require vehicles to exit a site in a forward motion (no backing out), which is not possible in this instance. Causing vehicles associated with a commercial venture to back out near the Chicoine/Gresel intersection, in staff's opinion, is not wise as it would increase the chances of traffic conflicts.

Other individuals opposing the project indicated that a childcare center would be too large and out of character with the surrounding residential neighborhood. One individual pointed out that the parcel at issue was not exceptional in terms of its size or location and that the proposed childcare center is too large for the house; another expressed concern about the noise associated with up to 24 children, particularly when school is not in session. Other speakers indicated that they could not rely on the word of the appellant because construction was initiated without benefit of building permits (garage conversion consisting of a bathroom, laundry, and windows) and that the operator does not currently reside on the premises as she alleges and as required by the State. Staff conducted a survey of the structure to determine what physical changes would be necessary in order to convert the dwelling to a childcare center. Although requirements would be extensive, including providing accessibility to the disabled, it would be physically possible to carry them out. During the survey, staff found that the garage had been converted and a furnace/water heater room, a bathroom, windows, and a door were constructed within the garage without benefit of building permits. Late-night/early morning spot checks revealed that no one was within the home.

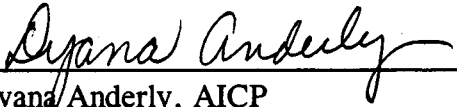
Neighboring property owners expressed concern that to allow a childcare center would be incompatible with their own use of their property as a residence. The rear yard of the subject property is approximately 25 feet deep, and the rear property line is approximately 5 feet from the adjacent house to the north. A combination masonry/wood fence (approximately 7 feet tall) has recently been erected along the northerly property line and along the side street (Chicoine Avenue) property line. (Please note that a separate variance application has been submitted by the property owner to retain the fence that is over the maximum height of 6 feet and situated on the side street property line where a 10-foot setback is required.)

With respect to the parking exception requested for a commercial childcare center, the City's Off-Street Parking Regulations require a minimum of six parking stalls and a drop-off area on the site, and vehicles must be side-by-side rather than directly behind one another. The applicant indicates that four vehicles can be parked in her driveway (two vehicles facing the garage and two behind them). Curbside (on-street) parking is not counted toward meeting the parking requirement, although there is space for several vehicles along the curb on this corner lot, with the exception of an area where a fire hydrant limits the on-street parking somewhat. The Planning Director determined, and the Planning Commission affirmed, that there are no special circumstances associated with the land that would warrant authorization of these parking exceptions.

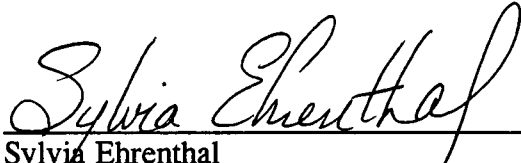
The appellant requested that her "advisor" submit a letter on her behalf in support of the childcare center. The letter from Aldo J. Gigliotti is attached. In the letter he points out that the proposed center is ideally located within a residential area near Mission Boulevard and that, although up to 24 children are requested, they would never be at the center at the same time.

The residential property at issue is not unusual with regard to size, location or on-site parking. Therefore, staff suggests that, if the Council is inclined to support childcare centers for 24 children in residential districts rather than the 14 children currently allowed, policies should be reconsidered support these uses. If, however, the Council determines that in this instance the appeal is justified, staff recommends that the hearing be continued so as to allow for time to prepare necessary environmental documents and conditions of approval.

Prepared by:

  
Dyana Anderly, AICP  
Planning Manager

Recommended by:



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Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:



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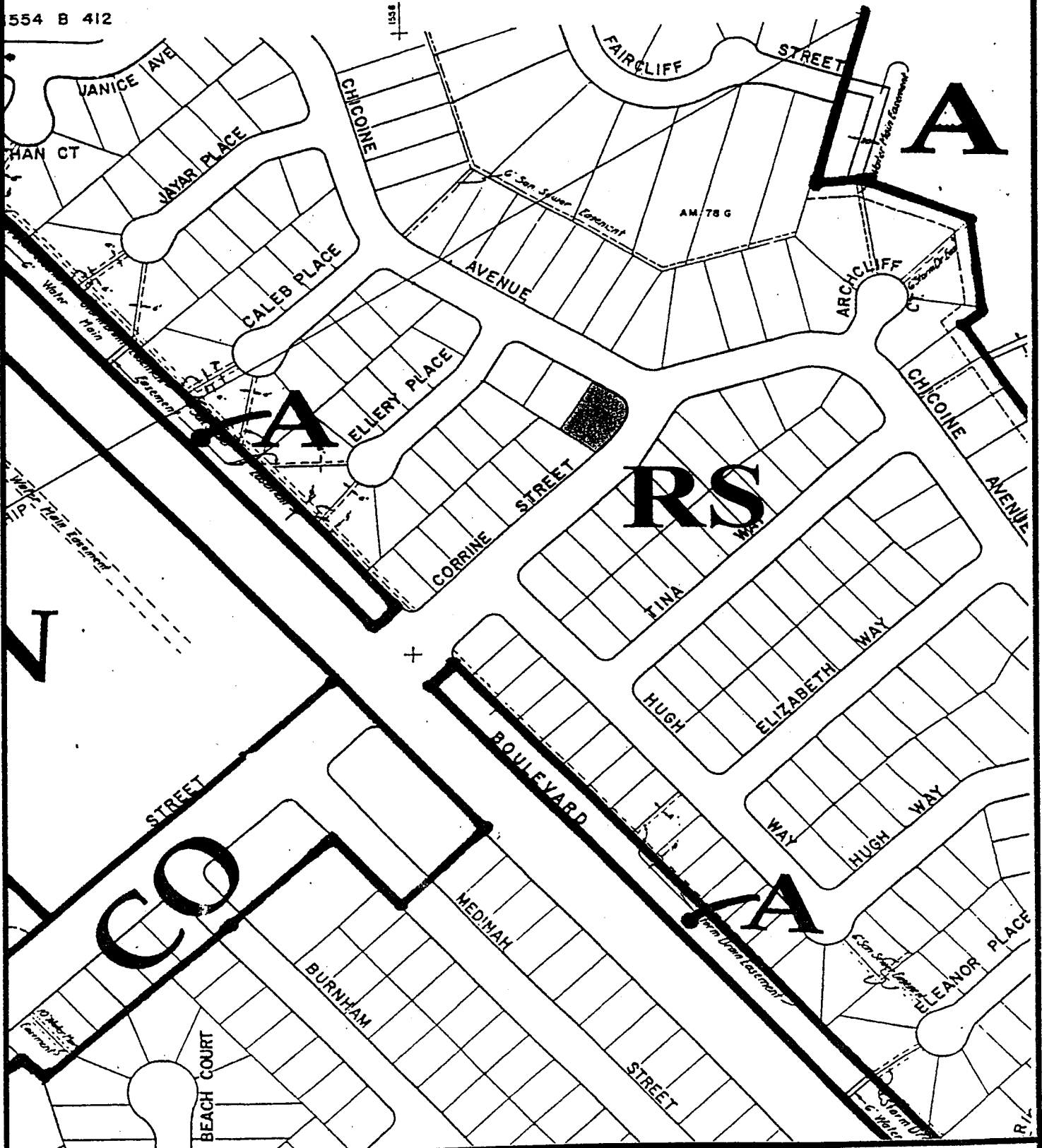
Jesús Armas, City Manager

Attachments:

- Exhibit A. Area/Zoning Map
- Exhibit B. Findings for Denial
- Exhibit C. Appellants Letter dated September 28, 2000
- Exhibit D. Letter Submitted on Behalf of Appellant from Aldo Gigliotti
- Exhibit E. Planning Commission Meeting Minutes dated December 14, 2000
- Exhibit F. Appellants Letter of Appeal to City Council dated December 19, 2000
- Exhibit G. Petition Opposing Project
- Exhibit H. Letters of Objection and Email from Nearby Residents
- Exhibit I. Plot Plan  
Draft Resolution

2.13.01

554 B 412



Area &amp; Zoning Map

AUP 00-150-36/VAR 00-180-15

Address: 694 Corrine Street

Applicant: Tonja Williamson

Owner: Willie &amp; Barbara Merritt

**FINDINGS FOR DENIAL**  
**Administrative Use Permit Application 00-150-36**  
**Childcare Center**  
**694 Corrine Street**

1. That the childcare center is not desirable for the public convenience or welfare in that the project site is in close proximity to other residences, proposed parking does not allow vehicles to enter the site in a forward motion and exit the site in a forward motion, resulting in vehicles having to back out over the sidewalk, and there is inadequate drop-off area;
2. That the childcare center would impair the residential character and integrity of the Single-Family Residential (RS) District in that approval of the center would result in an impact on the availability of on-street parking, encourage U-turns in the area, would contribute excess noise in the residential setting, and would result in a commercial venture in proximity to other single-family residences;
3. That the project would be detrimental to the public health, safety, or general welfare in that the project would result in increased traffic, increased demand for parking, and an increase in the amount of noise associated with the site.

# **JUST FOR KID'S**

**694 CORRINE STREET**

**HAYWARD, CA 94544**

**510-324-0424**

September 28, 2000

City of Hayward  
777 B. Street  
Hayward, Ca 94541-3642

To whom it may concern,

I am presently running a Family Daycare, this is our second site we have been in business for 17 years plus, we have been at the Corrine location for six (6) months, during that time we have never had a problem with parking, or any complaints from the neighbors. The children are dropped off at different times throughout the day, the parents drop off and pick up their children in a timely manner. Our conferences are scheduled once a week at five (5) pm when there are only about two or three children left at the daycare.

Our hours of operation are Monday thru Friday 7am to 5:30 pm

Our goal was to expand and give back to the community, we have been residents in Fairway park for over Thirty Years, everyone within a twenty (20) mile radius is familiar with Merritt Quality Daycare and our new site Just For Kid's.

It is our position with the demand of many of our fellow neighbors having more children or expanding their family in one way or another to provide a place that is safe for their children to go, a place where parents don't have to wonder what their children are doing. I hope you will feel the same way as we do in helping give back this small helping hand to parents and their children.

## JUST FOR KID'S



### A TYPICAL DAYCARE PROGRAM

#### 1. Opening

Roll call, collection of notes, health inspection, flag salute, patriotic song. From these experiences children learn to:

- appreciate health, safety, patriotism, each other
  - listen attentively and speak clearly
  - express themselves before a group with ease
- share common experiences and learn appreciate those which are uncommon.

#### 2. WORK PERIOD

Learning experiences with emphasis on creativity.

- dramatic play in playhouse and with blocks and educational toys.
- arts and crafts, easel painting, clay work, and cutting and pasting
- muscle coordination through manipulative activity
- sharing of materials and ideas
- working and playing together
- games and puzzles
- self-expression
- self-evaluation finger plays

694 Corrine Street, Hayward, CA 94544 510-394-1124



- maners
- completion of work begun

### 3. OUTDOOR ACTIVITIES

Learning experiences with emphasis on participation with others and enjoyment.

- using wheel toys
- jump ropes
- jungle gym
- balls
- participating in class games
- observing growing things

### 4. VALUES

Physical coordination, building of positive self-image leadership ans fellowship, sharing equipment and taking turns, observing, appreciation of the enviroment, recreation, good health habits, following direction and working and playing with others.

### 5. REST PERIOD (quiet period)

From this experience children learn

- reflective thinking



- creative thinking
- relaxation
- restoration of energy

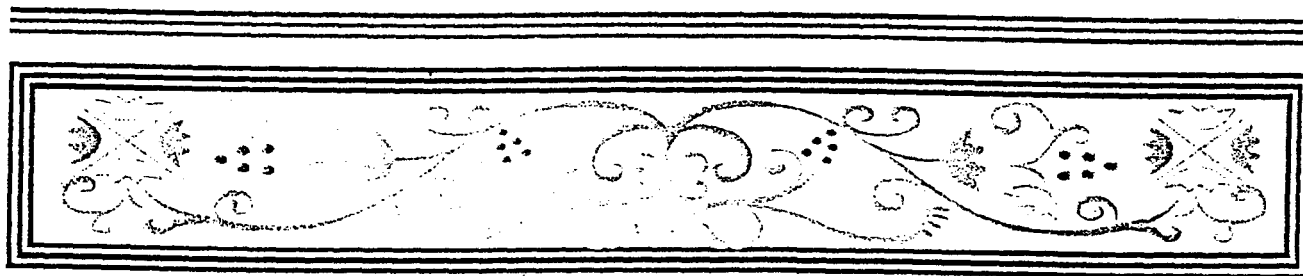
## 6. MUSIC

- music appreciation
- creative movement to rythum
- self-expression through song

## 7. THE BASICS

Reading readiness features:

- appreciation and respect for the ideas of others
- intrest in and love of books
- a desire for learning to read
- desire to share one's own thoughts
- respect for a proper handling of books
- longer intrest span
- visual and auditory awareness
- phonics and word building



**Writing skills:**

If your child wishes to write at home, please do not have them write using capital letters only. Use lower case too.

**Number readiness features:**

- discovery of number concepts through manipulative materials
- writing and understanding numerals

**Language readiness features:**

- good listening habits
- improved communication
- memory development
- increased imagination

**Science features:**

- increased awareness and curiosity
- enjoyment of the world



**Aldo J. Gigliotti**  
**Certified Public Accountant**

1525 Grant Ave., Suite 150  
Novato, CA 94945

AJCPA@worldnet.att.net

Phone (415) 898-4480  
Fax (415) 898-2412

**RECEIVED**

FEB 8 2001

February 2, 2001

Hayward City Council  
777B Street  
Hayward, CA 94541

**cc: Mayor, City Council,  
City Manager, and  
Dept. Planning Manager**  
*Dyana Anderly*  
**Fwd: 02/07/01 mD**

RE: Day Care Use Permit  
Merritt Application  
694 Corrine Street

Dear City Council Members:

This letter is written in support of the aforementioned application for Day Care Use Permit. The City of Hayward has a huge need for quality day care that is accessible and affordable to the residents of Hayward. The subject property is a short distance east of Mission Blvd., which is serviced by mass transit, a walk of only a few hundred feet. It is an ideal location for a day care facility. Children reside in residential areas, not industrial or commercial areas. There are several parents within walking distance of the property currently using the applicant's day care services.

I have reviewed the proposal, the public comments and have reviewed the applicants existing operation. It should be noted that applicant is currently operating and has been operating a child day care facility for over 7 months, and the concerns raised by a few select neighbors are without any basis. For example, there have been no noise related complaints made to either the applicant or to the City since inception to date, however, neighbors have raised this issue to deny the applicant of their use permit. Concerns over excess traffic, poor parking and safety concerns are also without merit. There have been no complaints filed regarding any of these matters in the past 8 months. If these concerns were legitimate, why were they not raised prior to the hearing.

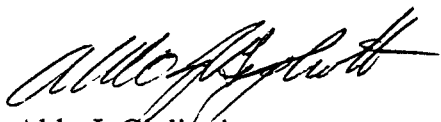
The core issue, is how many children should the applicant be permitted to have. How should this be computed? Does it represent the maximum number at any one time or cumulative number of children per day regardless of the length of stay. First one needs to review the operation. In reality, many of children use the facility for only a portion of the day. Approximately 40% of children are there for 5 hours or less per day. For example, one child may be dropped off in the morning and picked up at noon, while another child is dropped off in the afternoon and picked up later in the day. The schedules vary for each child. For the City and State purposes, this simple example illustrates the problem with current definitions, this constitute 2 children when in fact represents only 1 child full time equivalent for that day. The State and City defines the number of children as the maximum cumulative number per day rather than the maximum at any one time per day. There is a perception that by issuing a use permit for 24 children the facility would have up to 24 children from open to close. This clearly not the case.

Today, there are a greater number of parents looking for only part-time day care solutions. The City should evaluate the community's need for quality day care, the qualifications of the applicant, the current housing and availability of quality commercial space in the City of Hayward. Should the residents be precluded from utilizing the child care services because a suitable property is located a few hundred feet away from a commercially zone area, even though it is within walking distance for neighbors and from mass transit lines? The City needs to have rules and ordinance in today's society but to reject this application based on the what has been presented so far, would not be in the best interest of the community. The property is safe for children and easily accessible.

The applicant has asked that I speak on their behalf at the upcoming hearing. Given my commitments with several nonprofit organizations, I am unavailable on Tuesday. If your hearings are schedules only on Tuesday, I asked that this appeal be heard on the last Tuesday of the month.

Once again, I ask for your support of the applicant's request for a use permit. It is my understanding the request to serve up to 24 children is not based on the full day equivalent but rather a cumulative number children on any one day. Thank you for your consideration.

Sincerely,



Aldo J. Gigliotti

Tonya Williams  
694 Corbin St  
Hayward, Ca  
510-324-0424

**MINUTES****REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers**

**Thursday, December 14, 2000, 7:30 P.M.  
777 "B" Street, Hayward, CA 94541**

William Weller, 28564 Cole Place, speaking for the Fairway Park Homeowners Association, said most of their concerns were covered in the Conditions of Approval. However, he expressed concern about security at the site. He indicated that perhaps the cars should be fenced in somehow, just to protect them from graffiti and physical damage.

Michael Bradley, 790 Sunset Avenue, Suisun, applicant, said security should not be a problem in this kind of neighborhood. He said they would go with what they have presented at this point. He responded to Commissioner Bogue's questions about using the car wash for cleaning the cars. He said ideally they would like to clean out the cars on site, but with the proximity of both car wash facilities, there should be no problem.

Chairperson Caveglia closed the public hearing at 7:58 p.m.

Commissioner Williams said staff had covered most of his concerns. He suggested Avis might want to look at the security precautions taken by the car lots along Mission. He moved, seconded by Commissioner Sacks, the staff recommendation.

Commissioner Halliday confirmed that condition 7, from the Fairway Park Neighborhoods Association could not be met. It would require an annual review for conformity of business conditions. She was told that any problems could be brought to the City for investigation by anyone who might be affected.

Commissioner Thnay said he thought this would be a good addition to the Fairway Park neighborhood. He suggested that the businesses in the Center be notified of which of the 15 spaces would be used by Avis. They might even be marked for Avis only.

Commissioner Zermeño said this would be good for south Hayward.

Commissioner Sacks suggested the applicant do a general notification for businesses in the area. She added that this would be a fine addition to the City.

Ms. Critzer added that the shopping center would paint spaces marking the Avis area.

The motion passed unanimously.

3. **Appeal of Denial of Administrative Use Permit for the Exceptions Application No. 99-020-06 - Tonja Williams (Applicant) and Barbara Merritt (Owners):**  
Request to Establish a Childcare Center for up to 24 Children and Exceptions to Off-Street Parking Regulations to Reduce the Required Number of On-site Parking Stalls to 4 Where 6 are Required, and to Allow Vehicles to Back into the Street (Forward Motion Required)  
- The Property is located at 694 Corrine Street, at the Northwest Corner of Corrine and Chicoine Streets in a Single-Family Residential (RS) District

Planning Manager Anderly made the staff report, explaining that the Use Permit is required for a facility having up to 24 children asking for an exception to parking requirements. Staff received 11 calls and letters asking for a denial, as well as a letter from the Fairway Park Neighborhood Association. The Planning Director denied the application citing that parking, traffic and noise were factors. She said changes to the building have already been made but more would have to be made.

Chairperson Caveglia asked what the City would require if the home had 14 children. He was told that the City would require State licensing which would take care of the requirements.

Commissioner Williams asked about the fencing as well as the egress from the driveway. With children around, backing up can be a problem. He then asked whether their having 14 children would dismiss the parking requirement. He was told it would, however, the fencing requirement would remain.

The Public Hearing Opened at 8:17 p.m.

Tonja Williamson, 694 Corrine Street, the applicant asserted that the parents drop children off at varying times and would not create confusion. She maintained that she does live in the house. One of the reasons for her application is that children at Treeview School are not offered any before and after school recreation or programs. She said the State has approved her location for 24 children and asked for approval of the service she would be providing. She indicated that she is now serving eight children at her present facility.

Commissioner Thnay asked how many complaints had been received from the 22 homes directly impacted from her street. He suggested that if they could mitigate the movement of the cars so that they would not disturb the neighbors, this could be a good thing.

Ms. Williamson said that Community Care Licensing would be informed if there were complaints. She said she does her best not to impose on her neighbors.

William Baptista, 699 Corrine Street, a neighbor, said his major concern is traffic safety. There is no stop sign on Corrine Street, so there is no way of slowing down the cars that come down the hill. Parents leaving Ms. Williamson's home would be backing into a blind curve area. He suggested the need for more parking for employees and additional staff. The people who bought their homes on this street did not expect a ChildCare Center on the corner.

William Weller, 28564 Cole Place, speaking for the Fairview Homeowner's Association, said the traffic coming down Chicoine is fast and dangerous. Cars backing up out of Corrine Street are in the position to get hit. He suggested taking the Center to Fairway Park Shopping Center and renting one of the vacant spaces there.

Evelyn Cormier, 3120 Carroll Avenue, said she was troubled by that large a facility in a residential neighborhood. There does not seem to be adequate space for what is needed. She noted that there is a Church nearby which offers a kindercare program. She said this is not appropriate at this site.

REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
ChambersThursday, December 14, 2000, 7:30 P.M.  
777 "B" Street, Hayward, CA 94541

Rosemary Martinez, 31280 Chicoine Avenue, said she lives directly across the street and can attest that traffic is a blind spot on this corner. They did not want to live by a school. They bought into a quiet, residential neighborhood.

Cecilia Miskie, 31251 Chicoine Avenue, brought a petition with 93 signatures protesting the application at this location. She agreed that, already, traffic is an issue in their neighborhood. She commented that there are no signs of anyone living in this home at night or during the weekends. There are a number of things going on at the house that they do not trust, i.e., building without permits, etc.

Janis Silberhorn, 675 Corrine Street, has lived in her house in the neighborhood since 1973 and commented that the present house under consideration has only had one owner since that time. She recognized that the area is changing but she would object to putting a business on this street. It's too dangerous for children. She said she would not object to 14 children but 24 are too many. This is a very nice residential neighborhood.

Erica Johnson, Treeview, said she runs another daycare on her own street. Since Treeview Elementary has no day care program, she said she went into childcare. She noted that she has known Ms. Williamson for a number of years and can say that her present establishment is a very high quality center. This is a much needed community service.

Kirk Kasberg, 31220 Chicoine Avenue, described the danger of the traffic. He said speed bumps and stop signs are not that easy to get. He also commented that no one appears to be living in the house.

Bob Martinez, 31280 Chicoine Avenue, said there is a stop sign at Corrine and Mission that no one ever stops at. It is a dangerous corner.

Gary Schellenberg, 693 Corrine Street, said he lives directly across the street. He never sees cars at the house in the evening and at weekends. He discussed the disturbance 24 children would make to the neighborhood. This is a quiet street and the childcare center would be an imposition on the neighborhood.

Commissioner Williams commented that everyone talks about the traffic coming down the hill, and asked whether anyone has tried to get speed bumps or a stop sign for traffic calming in the neighborhood. Several members of the audience said they had tried numerous times, but it is not that easy.

Minane Jameson, 31544 Chicoine Avenue, said she has great sympathy for the people who live in that neighborhood. People think they are getting what they bought. Traffic would be an issue. She noted that the Fire Department does not like speed bumps. This proposal is too big for this neighborhood and that house.



Ms. Williamson responded by saying that this is her home and traffic is not an issue. She added that she does not know what it would be like with 24 children either.

The Public Hearing was Closed at 9:07 p.m.

Commissioner Zermeño moved, seconded by Commissioner Bogue, to deny the appeal.

Commissioner Bogue added that this was a business and not appropriate in a residential neighborhood.

Commissioner Halliday said she would be supporting the motion but emphasized that this does not mean she is not supportive of childcare. She would support a proposal for 14 children, allowed by the State. She indicated that with the apparent danger to the children, she could not take this responsibility.

Commissioner Sacks said she, too, would support the motion adding that it is sad that there is not more and better childcare in the community. She said she appreciated the neighbors who showed up, stressing the overwhelming nature of too many children. She also noted the danger of traffic.

Commissioner Williams said he had mixed feelings about the proposal. There is a need to be served, but 24 children at this location may be too many. The traffic is not a major issue to him. He said he would reluctantly support the motion.

Chairperson Caveglia noted the 93 names on the petition. He added that there seem to be no complaints about the present situation.

The motion passed 6:1, with Chairperson Caveglia voting "No."

#### ~~ADDITIONAL MATTERS~~

##### ~~4. Oral Report on Planning and Zoning Matters~~

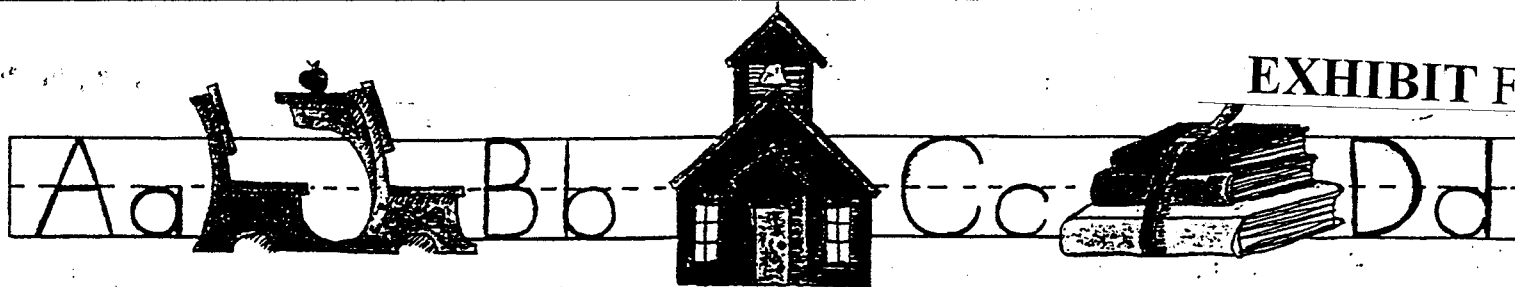
~~Planning Manager Anderly reported that the plans and specs for Blue Rock Country Club had come in so the Commission would be hearing those shortly.~~

##### ~~5. Commissioners' Announcements, Referrals~~

~~Chairperson Caveglia complained about the trucks coming down the hill on Carlos Bee Boulevard. He discussed a truck turnover, which spilled a lot of fill near the intersection of Mission.~~

~~Commissioner Sacks brought attention to the construction on Folsom between Ruus and Huntwood, where a ditch is not covered over properly.~~

~~Commissioner Thnay thanked the Mayor and members of the City Council for the opportunity~~



December 18, 2000

DEC19 AM10:06 CLK

City Council & Planning Director of Hayward  
777 B. Street  
Hayward, Ca 94541

cc: Mayor, City Council,  
City Manager, and  
Dept. Dyana Anderly

Fwd: 12/19/00

Dear City Council & Planning Director,

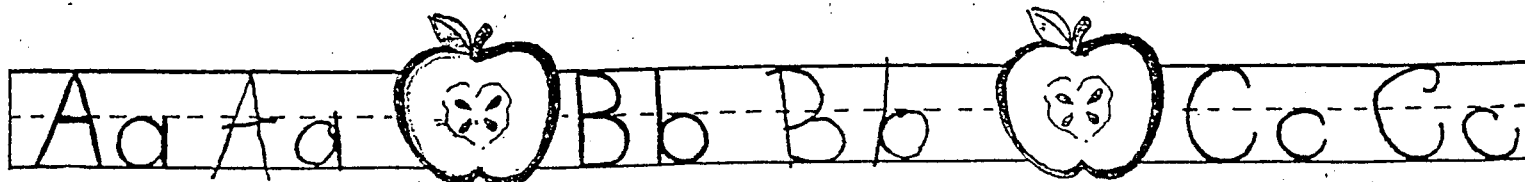
I am sending this letter in response to the meeting held on Thursday December 14, 2000. I am also appealing the decision of the City Council, in denial of Child Care Center located at 694 Corrine St. Hayward, Ca. I would like to request an appeal hearing to be set by the city Council. I will be submitting materials for your review before the next meeting.

Thank you very much for your time and efforts.

Sincerely,

*Tonja Williamson*  
Tonja Williamson  
Just for Kid's

NOTE: CORRECTED  
BY APPLICANT  
12/19/2000 AT  
CITY CLERK'S  
OFFICE.



## Part 1 of a 2 part petition

The City of Hayward has received a request for a day care center for up to 24 young children and a variance to provide two off street parking spaces where six parking spaces and a drop off area are required and to allow vehicles to back into the street (forward motion required). The property is at 694 Corrine Street, application AUP 00-150-36/VAR00-180-15, Tonja Williamson is the applicant and Willie and Barbara Merritt are the home owners. This petition is to oppose the request for a variance to provide parking for the application # listed above.

## Part 2

If the home owners Willie and Barbara Merritt request for an application to have the property rezoned to a business run out of a residential neighbor hood please check yes or no if you would agree or disagree to this request.

Name/Signature	Address	Phone #	Yes / No
01. Cecilia Miskic	31251 Chicoine Ave Hayward	487-9510	1 X
02. Slavko Miskic	31251 Chicoine Ave	487-9510	1 X
03. Mary Mayer	31260 Chicoine Ave	471-4012	1 X
04. Bennie Mayer	31260 Chicoine Ave	471-4012	1 X
05. Agnes Grant	31260 Chicoine Ave	471-4012	1 X
06. Bob Martinez	31280 Chicoine	487-4727	1 X
07. Rosemary Martinez	31280 Chicoine Ave	487-4729	1 X
08. Muriel E. Choe	31314 Chicoine Ave	489-5266	X
09. Joan Wolfe	31328 Chicoine Ave	489-1379	X
10. Ruth S. Leber	3132 Chicoine Ave	471-7104	X

Cons.  
12/52442

11. Kayluann Loureiro 475-1038 1 X  
31381 Chicoine Ave.
12. Bill + Penny Baptista 475-7587 1 NO  
1299 Corrine St
13. Gary Schellenberg 487-1903 1 NO  
643 Corrine St
14. Ray M 471-0823 1 X  
623 Corrine Ave
15. Guadalupe Cid 487-4769 1 NO  
31163 Chicoine Ave Hayward Ca
16. Stacy Blackard 471-8607 1 X  
31120 Chicoine Ave Hayward CA
17. Steve P. DeBorja 487-5986 1 X  
31240 CHICOINE AVE.
18. Stan DeBorja 487-5986 1 X  
31240 CHICOINE AVE.
19. Elena L. Kasberg 489-6223 1 X  
31220 Chicoine Ave
20. Kil M 489-6223 1 NO  
31220 CHICOINE AVE
21. Manita G. Seilla 489-6223 1 NO  
31220 CHICOINE AVE
22. Suzanne May 477-6986 1 NO  
531 Elbert Pl Hayward
23. James F. May 471-1481 1 NO  
531 Elbert Pl Hayward
24. Luis Cella 510 471 6984 1 NO  
507 Elbert Pl Hayward
25. Mark Simmons 532 Elbert Place Hayward, Ca 94544 NO  
(510) 441-1019

**Part 1 of a 2 part petition**

The City of Hayward has received a request for a day care center for up to 24 young children and a variance to provide two off street parking spaces where six parking spaces and a drop off area are required and to allow vehicles to back into the street (forward motion required). The property is at 694 Corrine Street, application AUP 00-150-36/VAR00-180-15, Tonja Williamson is the applicant and Willie and Barbara Merritt are the home owners. This petition is to oppose the request for a variance to provide parking for the application # listed above.

**Part 2**

If the home owners Willie and Barbara Merritt request for an application to have the property rezoned to a business run out of a residential neighborhood please check yes or no if you would agree or disagree to this request.

Name/Signature	Address	Phone	Yes / No
26. <u>Michael Woods</u>	<u>556 Ellery</u>	<u>475-7565</u>	<u>NO</u>
27. <u>D.J. Woods</u>	<u>556 ELLERY PL.</u>	<u>475-7565</u>	<u>1 X NO</u>
28. <u>Daniel J. Jumper</u>	<u>529 Cales Pl</u>	<u>475-4947</u>	<u>1 X NO</u>
29. <u>C. Aspell</u>	<u>3113A Chicoma Ave.</u>	<u>471-5711</u>	<u>1 NO</u>
30. <u>Rose Aspell</u>	<u>3113A Chicoma Ave.</u>	<u>471-5711</u>	<u>1 NO</u>
31. <u>Dobbi Hernandez</u>	<u>31127 Chicoma Ave</u>	<u>475-1241</u>	<u>1 NO</u>
32. <u>Judi Pereira</u>	<u>551 Jayer Pl.</u>	<u>471-4339</u>	<u>NO</u>
33. <u>Tom J. Jumper</u>	<u>Jayer Pl</u>	<u>471-14349</u>	<u>NO</u>
34. <u>Rosa Jorinovic</u>	<u>Jayer Pl</u>	<u>471-14349</u>	<u>NO</u>
35. <u>James Cano</u>	<u>516 Jayer Pl.</u>	<u>471-16995</u>	<u>NO</u>

36. James 527 JAYAR PL. 1 NO  
Hayward ca 94544. 510-471-4349
37. Chris Bulding 503 JAYAR PL. 1 X  
Hayward, CA 94544 510-475-7811
38. James P. Michael 504 JAYAR PL. 510-441-2118  
HAYWARD CA 94544 NO
39. Barbara Michael 504 JAYAR PL. 1 NO  
Hayward, CA 94544 510-441-2118
40. Bill Michael 504 JAYAR PL. 1 NO  
Hayward CA 94544 510-441-2118
41. Linda Dondel (in) 516 JAYAR PL. 510-487-6965  
Hayward, CA 94544 NO
42. M. Miller 510-471-5000  
HAYWARD, CA 94544 NO
43. Rebecca Nichols 1 NO  
3108 CHICOINE AVE Hayward 471-5312
44. Carl Evans 1  
31066 CHICOINE AVE HAYWARD 471-3091
45. Vera Evans 1 X  
31066 CHICOINE AVE HAY 471-3091
46. Robert Stephan 1 X  
31088 Chicoine Ave 471-6675
47. Marie Stephan 471-6675  
31088 Chicoine Ave. X
48. Anthony M. Cooper 1 NO  
31120 Chicoine Ave 510-471-3648
49. Sheryl Cooper 1 X  
31120 Chicoine Ave 510-471-3648
50. PEW VASIN 1 X  
31156 CHICOINE AVE (SW) 487-1299

**Part 1 of a 2 part petition**

The City of Hayward has received a request for a day care center for up to 24 young children and a variance to provide two off street parking spaces where six parking spaces and a drop off area are required and to allow vehicles to back into the street (forward motion required). The property is at 694 Corrine Street, application AUP 00-150-36/VAR00-180-15, Tonja Williamson is the applicant and Willie and Barbara Merritt are the homeowners. This petition is to oppose the request for a variance to provide parking for the application # listed above.

**Part 2**

If the home owners Willie and Barbara Merritt Request for an application to have the property rezoned to a business run out of a residential neighborhood please check yes or no if you would agree or disagree to this request.

	Name/Signature	Address	Phone	Yes	No
51.	<i>Mr. N</i>	31220 Chicoine Ave	50 489-6223		<input checked="" type="checkbox"/>
52.	<i>Jose Suarez</i>	29977 VANDERHILT St	429-8772		<input checked="" type="checkbox"/>
53.	<i>Pat Nelson</i>	522 CORRINE St	489-489		<input checked="" type="checkbox"/>
54.	<i>Janis G. Sildhorn</i>	675 Corrine St.	471-3906		<input checked="" type="checkbox"/>
55.	<i>Marcia Van Skiver</i>	634 Corrine St	487-4359		<input checked="" type="checkbox"/>
56.	<i>Louianne M. Nelson</i>	634 Corrine St	487-4359		<input checked="" type="checkbox"/>
57.	<i>Murlen Van Skiver</i>	634 Corrine St.	487-4359		<input checked="" type="checkbox"/>
58.	<i>Lela Medlock</i>	31369 Hugh Way	487-5491		<input checked="" type="checkbox"/>
59.	<i>Peggy Johnson</i>	707 Archcliff Ct	471-6770		<input checked="" type="checkbox"/>
60.	<i>Marian Samuels</i>	722 Archcliff Ct	471-2909		<input checked="" type="checkbox"/>

61. Violet D. Kadi 31388 Chicoine Ave NO  
510-471-3048
62. Roy Miller 31528 Chicoine Ave 1 NO  
(510)-471-3970
63. Mirane Jameson 31544 Chicoine Ave NO  
487-8651
64. Mrs. Maria Emami 31517 Chicoine Ave 1 NO  
489-6774
65. Kathryn A. Koth 683 Elizabeth Way NO
66. Trudy Koth 683 Elizabeth Way NO
67. Eusebio Florent 31513 Hugh Way NO  
510-471-2056
68. Florence Roberto 31421 HUGH. WAY  
510-471-2470 1 NO
69. Donna W Schieck 535 Eleanor PL 1 NO  
510-441-1533
70. Iris Hall 31652 Trevor Ave 1 NO  
471-0998
71. Rudy Philastis 471-7306 1 NO  
31660 TREVOR AVE -
72. Ron Magee (510) 477-9084 1 NO  
31814 Trevor Ave
73. Yvonne Linden (510) 471-2625 31818 Trevor NO
74. Wendy Darnall 31830 Trevor Ave 1 NO  
477-9630



**Part 1 of a 2 part petition**

The city of Hayward has received a request for a day care center for up to 24 young children and a variance to provide two off street parking spaces where six parking spaces and a drop off area are required and to allow vehicles to back into the street (forward motion required). The property is at 694 Corrine Street, application AUP 00-150-36/VAR00-180-15, Tonja Williamson is the applicant and Willie and Barbara Merritt are the homeowners. This petition is to oppose the request for a variance to provide parking for the application # listed above.

**Part 2**

If the home owners Willie and Barbara Merritt request for an application to have the property rezoned to a business run out of a residential neighborhood please check yes or no if you would agree or disagree to this request.

142.Name/ Signature	Address	Phone	Yes / No
75. Victoria L. Duarte	31953 Trevor Ave	471-0589	NO
76. Jim Harrison	31842 TREVOR AVE	429-0954	NO
77. [Signature]	32054 Trevor Ave	471	NO 15010
78. Maureen Leary	32112 Trevor Ave	471	12160 no
79. Gary Condy	32260 TREVOR AVE	487-	18912 N/O
80. [Signature]	32272 Trevor Ave		1 NO
81. John Bluman	31977 Trevor, Ave		NO
82. Mary Lammon	(510) 471-2024		X
83. Frankovic	(510) 429-8772		NO
84. Alan Smith	(510) 429-8772		NO

29977 Vanderbilt St.

85. Bardo Melini 429-9417 NO  
31566 Hugh Way Hayward CA 94544
86. Nana Willis 510-471-9714 X  
659 ELIZABETH WAY HAYWARD CA 94544
87. Cathy & Kevin Minchaca (510) 471-8733 X  
658 Elmwood Way Hayward, CA 94544
88. Andre Yey Inalik 471-8674 NO  
30933 Vanderbilt St. Hayward, Ca 94544 X
89. Michael Torib 471-8674 NO  
30933 VANDERBILT ST. HAYWARD CA 94544 X
90. Andre Jose Santos 487-1853 NO  
542 Evangelina Way Hayward CA 94544
91. Mike Julian 487-1853 NO  
542 Engeline Way Hayward CA 94544
92. Humando Mil 487-4769 NO  
31163 Chicome Ave Hayward CA 94544
93. Alexandra Lio NO  
31163 Chicome Ave Hayward CA 94544
94. \_\_\_\_\_ 1
95. \_\_\_\_\_ 1
96. \_\_\_\_\_ 1
97. \_\_\_\_\_ 1
98. \_\_\_\_\_ 1

EXHIBIT I

# Fairway Park Neighborhoods Association

December 4, 2000

City of Hayward  
Planning Director, Dyana Anderly  
777 "B" Street  
Hayward, CA 94541

Subject: Appeal of Denial Action  
Application AUP 00-150-36/VAR00-180-15  
Tonja Williamson (Applicant) Willie & Barbara Merrit (Owner)

Dear Dyana Anderly:

This letter is sent to confirm the Fairway Park Neighborhoods Association position concerning the proposed child care center located at 694 Corrine Street.

We still maintain our same position as stated in our previous letter sent on October 10, 2000. We do not support a child care center for up to 24 children, along with an exception to Off-Street parking regulations reducing the required number of on-site parking stalls to 2 where 6 are required, and to allow vehicles to back into the street (forward motion required).

In addition, some new information has surfaced. We are now aware of the fact that the garage conversion is without permits which appears that this addition has the potential of not being in the best interest of the children currently attending the center. Safety is of primary concern and having children in a home without electrical, plumbing or fire safety permits should be attended to immediately. Enclosing the garage door to create an interior room is not allowed under the building code as again potential safety issues could arise.

Another issue to evaluate is the minimum space required by the licensing agency for outdoor usage. This appears to come well below their requirements and specifications which brings us to the conclusion that this property is not large enough for its intended use. This type of business needs to be located where adequate space can be provided. Residential zoning needs to be maintained for residential use.

Unfortunately, these conditions shadow the integrity of the applicant to the point where we cannot *under any circumstances* support a center in this location.

Thank you for your notification.

Sincerely,

Hector Caraballo, Mimi Bauer, William Weller, Evelyn Cormier and Holly Rogers  
Fairway Park Neighborhoods Association Board of Directors  
Minane Jameson, Association Member

**From:** "M. Rachel Housman" <mhusman@mindspring.com>  
**To:** COHD.CED(DyanaA)  
**Date:** Thu, Dec 14, 2000 6:15 AM  
**Subject:** FW: NO Child Care Center in South Hayward

Dear Ms Anderly,

Once again I am writing to tell you that I DO NOT want a 24-person childcare center in my neighborhood! That is too large for a residential area and would cause too much traffic and noise. I feel very strongly about this and am annoyed that the owner appealed. By appealing they have done nothing but create animosity in the neighborhood. If it is approved I will be sure to contact the City each time any problem occurs, be it excessive noise, parking issues, etc.

We pay taxes to live in a residential neighborhood made up of houses, not businesses.

Also, and I know this is probably petty, but I received a flyer from this person a couple months back and was appalled at the spelling and grammatical errors contained in it. It was a very poor reflection on someone who is supposed to be educating our children. It was obvious she didn't even perform a simple spell check on it.

Please reconsider giving this person a license.

Sincerely,  
Martha Housman

**From:** <MSCCONST@aol.com>  
**To:** COHD.CED(DyanaA)  
**Date:** Wed, Oct 11, 2000 8:45 PM  
**Subject:** AUP 00-150-36/VAR00-180-15

Dyana,

My name is Cecilia Miskic and I live next door to 694 Corrine Street. I live on Chicoine, but the Merritt's property shares a fence with ours. Our back yards but up to each other. When I received the notice in the mail about Ms. Williamson wanting to get variance to provide parking of course I was not to happy. I would like to let you and the City know that my husband and I are totally against what our new neighbors are wanting to do with that property. From what I understand from them they want to have a learning center by changing the zoning from a single family living to a business in a residential area. Currently no one lives in the house and Mr. Merritt had explained to me the purpose of his buying the house was not to live there but to run a business out of it. I asked him very bluntly if he wanted a business like that next door to his house. He told me no. So I asked him why is he putting one next door to me. He told me I have the right to object and that I would have the right to bring my concerns up with the City prior to any major changes being made. I completely reject the idea of converting a home in our neighborhood to a learning center for 24 to more children. First of all if I wanted to be next door to a school I would have bought a property next to any one of the numerous schools we already have in our neighborhood. I do not want all the additional traffic that is associated with the business Mr. Merritt has in mind. 24 children would be 100 more car trips on our street each day. Not to mention strangers who don't care much about other peoples neighborhoods who would more than likely speed to drop their child off and then speed off to work and same with picking them up in the afternoon and speeding off to hurry home. There will be 24 children with 48 parents, or any other number of relatives involved in bringing them or dropping them off, that means so many more strangers coming around, possibly scoping out the neighborhood. I was told by state licensing board that Ms. Williamson received her license for day care at the Corrine Street property under the condition that it would be a lived in day care center. Meaning she has to live there. I can tell you for a fact there is never any one spending the night there and no one ever around on the weekends. So if Ms. Williamson could lie to the State licensing board about how she is running her business than whose to say what she is telling the City of Hayward. We do not think giving them variance for parking is going to be of any sort of benefit to our neighborhood. All I see is a lot of negative outcomes. I am asking the city deny there request.

Thank you

Cecilia and Slavko Miskic  
(510) 487-9510

**From:** <mhusman@mindspring.com>  
**To:** COHD.CED(DyanaA)  
**Date:** Wed, Oct 11, 2000 7:30 AM  
**Subject:** Proposed Day Care Center in Fairway Park

Dear Ms. Anderly,

I received the notice concerning a day care center for 24 children in my neighborhood. While I certainly understand the need for day care, having a young child myself, I certainly don't want one that cares for 24 kids 2 houses down from me. That is a day care center and should be housed in a business district, not a residential neighborhood.

Corrine is already a busy enough street, being an artery to Mission. We don't need parking spaces taken away from residents nor any more traffic in the neighborhood.

I feel very strongly about this and don't support a 24 child center in the neighborhood. Please reconsider giving this person a license.

Thank you,  
Martha Housman

# *Fairway Park Neighborhoods Association*

October 10, 2000

Dyana Anderly  
Planning Manager, Planning Division  
777 "B" Street  
Hayward, CA 94541

Dear Dyana Anderly:

The Fairway Park Neighborhoods Association Board of Directors, do not support application #AUP 00-150-36/VAR00-180-15.

We feel by allowing a day care center, up to 24 children, clearly becomes incompatible with residential usage. The request to provide two off-street parking spaces, where six are required, is again not compatible with any zoning usage throughout the City. The City mandates parking requirements with the intention of eliminating unnecessary parking on our city streets.

Some of the Association's concerns are:

- 1) What are the impacts on neighbors immediately surrounding the center?
- 2) What kind of space inside is provided for the children concerning naps, washing hands, small toilets, wheel chair accessibility?
- 3) Should this home become modified, does this mean that the home is no longer a single family livable residential home?
- 4) Have you received requests for plumbing and electrical permits?
- 5) Has the fire department checked the home?
- 6) Has the health department checked the home?
- 7) Has the City inspector inspected the premise yet?
- 8) Have you received an application for a garage conversion?
- 9) Should this day care center become a day care center and not a residential home, does the applicant have to apply for a zone change?

In closing, the general feeling of all, and others who are now aware of the proposal, is that this day care center, specifically the number of children, does not belong in a residential neighborhood.

Sincerely,

Mimi Bauer, Holly Rogers, Hector Caraballo, Evelyn Cormier, Bill Maxedon & Bill Wheller

October 10, 2000

Dyana Anderly, AICP  
Planning Manager  
Planning Division

Reference:

Application AUP 00-150-36/VAR00-180-15

Tonja Williamson (Applicant)

I am writing this letter to state my opposition to grant a variance on the parking regulations and for a day care center for up to 24 children at 694 Corrine Street. I live across the street, though not directly across from 694 Corrine. A day care center for up to 24 children will cause traffic and parking problems in this area. 694 Corrine has a fire hydrant in front of the residence. This already will create a parking problem if people park legally. The existing driveway might not meet the needs of the employees for parking. How many employees are required for up to 24 children? Will there be delivery trucks for food and supplies?

694 Corrine is a corner lot at Chicoine and Corrine. As you drive on Corrine traveling east you begin a curve up the hill. It is difficult for me now to safely pull out of my driveway and head west on Corrine as a "blind curve" is created from the curvature of the roadway. Parents trying to find somewhere to park to pick up or drop off their children will only add to the problem.

I wonder how many times someone will park blocking someone's driveway "just for a minute" to run in? Calling the police is not the answer to this problem. The Police response time will most likely be longer than the person blocking the driveway.

The Fairway Shopping Center is at the end of the block. Why doesn't the applicant who wants to run a business locate itself in a business district? I have also enclosed a letter sent by the applicant. I wonder why her letter only refers to her license for eight children and not that she plans on expanding this service to 24? She simply states that she runs a "Family Daycare" and is filing paperwork to become a licensed "Daycare Center". She does not tell us this means her ability to triple the amount of children and I would assume increase her staff.

Good Daycare is important. I feel it should be located at the shopping center where there is ample parking for her employees, deliveries and parents. If I had to stay home ill, I would like to stay in a quite residential neighborhood, not across from a Daycare Center. Also what effect does a Daycare Center have on the resale of ones home? Would you choose to buy across from a Daycare Center?

For a variety of reasons, I am opposed to the location of the proposed Daycare Center and granting any variance. In the two years I have lived here since I purchased my home, there has not been a traffic accident out front. I feel strongly that someone will get injured in an accident due to the location of the Center and it's increased traffic.

If this application goes to a public hearing please advise me of it, as I will attend it to speak against the project.

Sincerely,

William Baptista  
Resident 699 Corrine Street.



RECEIVED

OCT 11 2000

PLANNING DIVISION

October 9, 2000

777 "B" Street  
Hayward, CA. 94541

Reference #AUP00-150-36/VAR00-180-15

Dear Dyana Anderly, AICP

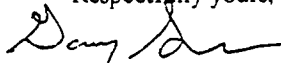
We live directly across from the proposed day care center. We are opposed to having a day care center at this location for many reasons. Our main concern is the parking on our street. Parking to accommodate a drop off pick up area will add to further congestion on this street. We have already noticed an increase in the traffic on Corrine due to parents dropping off their children at the day care center. It is our concern that the traffic will further increase as the number of children permitted at the center increases from six to twenty-four.

It is also commonplace for cars to speed on Corrine Street. This poses a dangerous situation as children are dropped off and picked up from this corner. Also there is fire hydrant at the corner of Corrine and Chicoine. The overflow of parking will most certainly violate the no parking zone. We have noticed at times people are already parking in front of the hydrant.

Another reason we opposed the day care center is the possible noise factor. Corrine Street is a very quiet residential area that we find appealing. In fact, this is one of the reasons why we purchased our home at this location.

A day care center of this size would be better suited in a commercial setting such as Fairway Park Shopping Center. Parking would not be a problem and an increase in noise would not be an issue. Feel free to contact us with additional information regarding any upcoming public hearings on this matter.

Respectfully yours,



Gary Schellenberg and Gina Hernandez  
693 Corrine street  
Hayward CA. 94544

.....

October 5, 2000

Dyana Anderly  
Planning Manager, Planning Division  
777 "B" Street Hayward, CA 94541

Dear Dyana Anderly:

Subject: Application AUP 00-150-36/VAR00-180-15  
Tonja Williamson (Applicant) Willie & Barbara Merrit (Owner)

Thank you for your notice from an applicant requesting a day care center for up to 24 young children and a variance to provide two off-street parking spaces where six spaces & a drop off area are required.

At this time I feel that it's in the best interest of the neighborhood that their request be denied. What appears to be a "commercial" business located within a residential community conflicts with our goals and intentions of consistent and sustainable residential zoning.


This size of business becomes unacceptable to the community and neighbors as impacts become overwhelming. First of all, parking is an issue in the neighborhood already as most of the streets are narrower in size and we always encourage residents to use their garages & driveways. Excessive street parking detracts from our property values. Secondly, current neighborhood traffic in general is difficult to begin with let alone additional traffic from a business on a regular basis. Thirdly, noise from 24 kids has the potential of becoming a real nuisance as children's voices are at a constant pitch throughout the day. After awhile noise becomes irritating when the peacefulness of the neighborhood is lost.

Some questions I have are: 1) Has the fire department checked out the premise? 2) I've heard that the owners are not going to be living there and in that case, do requirements and conditions differ from an owner occupied business vs. a non-owner occupied business? 3) Has the city permitted the garage conversion? (I was never notified if this was the case and I have been here for 20 years now.) 4) Seeing how this is a center, is there handicap access? 5) Has the center been licensed yet as I happen to see a parent walk in the other day with a young child? 6) Your notice stated "young children", will there be any infants cared for? I've heard the number of adults needs to increase if there are infants on site which would result in a definitive demand for additional parking spaces and should not be on the street.

I've always understood that home businesses were basically a "fax & a phone". How does this request have the potential of superseding all the other neighborhood families that would like to set up their business at home? If this is approved, precedence could be set and could backfire on us in the future when others have similar variance requests. Seems like consistency should prevail or we have the potential of arbitrary discrimination.

In closing, I experience daily a day care facility two houses from me, usually between 5 & 10 kids there. Believe me it becomes quite annoying during the day with constant yelling, screaming and fighting going on amongst the children, twenty-four would be way too much! In addition, morning and evening traffic becomes dangerous as parents are always in a hurry, dropping off or picking up their children which often results in excessive speeding through our neighborhood! Every day we see approx. 32 additional car trips, should the Corrine center be allowed there would be an additional 100 car trips each day. This is far too excessive for our neighborhood.

There are so many places in and around the city that would be far more suitable for this type of business than in a residential neighborhood. Again, thank you for contacting me.

Sincerely,  
  
Holly Z. Rogers, Fairway Park Task Force Member  
Fairway Park Neighborhood Assoc. VP  
31730 Chicoine Ave. Hayward, CA 94544

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

*Yme*  
*2/16/01*

RESOLUTION DENYING APPEAL OF PLANNING  
COMMISSION'S DECISION TO DENY USE PERMIT  
APPLICATION NO. 00-150-36 - TONJA WILLIAMSON  
(APPLICANT AND APPELLANT); WILLIE AND BARBARA  
MERRITT (OWNERS)

WHEREAS, Use Permit Application No. 00-150-36 involves a request to establish a childcare center for up to 24 children and exceptions to off-street parking regulations to reduce the required number of on-site parking stalls to 4 where 6 are required, and to allow vehicles to back into the street (forward motion required) on property located at 694 Corrine Street, at the Northwest corner of Corrine and Chicoine Streets in a Single-Family Residential (RS) District; and

WHEREAS, the Zoning Ordinance allows residents of single-family homes to operate a State-licensed "daycare" business for up to 14 children by right, with no discretionary action required of the City and allows State-licensed daycare facilities for 15 or more children in the single-family zoning district, subject to approval of an administrative use permit. The appellant/operator Tonja Williamson is currently licensed with the State of California for 8 children. The State of California licensing provisions for "daycare" allows up to 14 children within a residential setting (operator must live on premises) and up to 24 children in a "childcare center" where the operator is not required to reside on the premises. Larger childcare centers in the City are typically located within facilities such as churches where there is ample space for classrooms, outdoor play areas, and adequate on-site parking; and

WHEREAS, on September 28, 2000, Appellant Williamson filed an application to convert a residence to a "childcare center" for up to 24 children at 694 Corrine Street to be operated between 7 a.m. and 5:30 p.m., with additional hours for consulting with parents and appellant/applicant does not plan to live on the premises; and

WHEREAS, the City's Off-Street Parking Regulations require a minimum of six parking stalls and a drop-off area on the site and vehicles must be side-by-side rather than directly behind one another and curbside (on-street) parking is not counted toward meeting the parking requirement. The property can accommodate only 2 vehicles side-by-side with 2 vehicles behind them and no possibility for the required forward entry and exit, and the Planning Director determined, affirmed by the Planning Commission, that there are no special circumstances associated with the property that would warrant authorization of the requested parking exceptions; and

WHEREAS, during the referral process, calls and letters were received from individuals and from the Fairway Park Neighborhood Association urging denial of the application based on incompatibility with surrounding residential uses, increased traffic and traffic conflicts, introduction of strangers into the neighborhood, lack of adequate parking, increased noise and perceived reduction in property values and no responses in support of the childcare center were received. During the public hearing before the Planning Commission, 10 neighborhood residents objected to the proposed childcare center and a petition signed by 93 individuals opposing the application was submitted and one member of the public, who operates a daycare business on Treeview Avenue, spoke in support of the project; and

WHEREAS, on December 14, 2000, the Planning Commission held a public hearing on Use Permit Application No. 00-150-36 and upheld the Planning Director's denial of the Administrative Use Permit, pursuant to the adopted findings, after determining that a childcare center use is not appropriate at this location and expressing concerns about safety, parking, traffic and noise; and

WHEREAS, on December 18, 2000, the Applicant, Tonja Williamson, sent a letter appealing the Planning Commission's decision to deny Use Permit No. 00-150-36; and

WHEREAS, projects that are denied do not require review under the California Environmental Quality Act ("CEQA"); and

WHEREAS, the City Council has reviewed and considered all materials presented, including the record of the proceedings before the Planning Commission on December 14, 2000 (which is on file in the office of the City Clerk); and

WHEREAS, the City Council hereby finds and determines that:

1. That the childcare center is not desirable for the public convenience or welfare in that the project site is in close proximity to other residences, proposed parking does not allow vehicles to enter the site in a forward motion and exit the site in a forward motion as required by the City's Off-Street Parking Regulations, resulting in vehicles having to back out over the sidewalk, and there is inadequate drop-off area. In addition, there is space for only 2 vehicles to park side-by-side, where a minimum of 6 parking stalls is required and the property is not large enough to accommodate a childcare center of the proposed size.
2. That the childcare center would impair the residential character and integrity of the Single-Family Residential (RS) District in that approval of the center would result in an impact on the availability of on-street parking, encourage U-turns in the area, would contribute excess noise in

the residential setting, and would result in a commercial venture in proximity to other single-family residences. The premises would no longer be used as a residence. Childcare centers of similar size in the City are typically located within facilities such as churches, where there is ample space for classrooms, outdoor play areas and adequate on site parking. In addition, the rear property line is 5 feet from the adjacent property to the north, and the presence of up to 24 children in the rear yard could adversely impact the neighboring property owner during outdoor play times.

3. That the project would be detrimental to the public health, safety, or general welfare in that the project could result in increased traffic, traffic conflicts, increased demand for parking, and an increase in the amount of noise associated with the site.
4. Projects that are denied do not require review under the California Environmental Quality Act ("CEQA").

NOW THEREFORE BE IT RESOLVED, upon the basis of the aforementioned findings, the City Council hereby denies the appeal and upholds the Planning Commission action.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward